

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES

Divisions of State Parks
Honolulu, Hawaii 96813

May 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

SUBJECT: REQUEST THAT THE BOARD AUTHORIZE THE CHAIRPERSON TO AWARD, POST THE AWARD OF, AND ISSUE A GENERAL LEASE TO THE HIGHEST SCORING APPLICANT OF THE REQUEST FOR PROPOSALS (RFP-001-08-DSP) TO MANAGE AND OPERATE AN INTERPRETIVE/EDUCATION CENTER, GROUNDS AND FACILITIES AT HE'EIA STATE PARK, OAHU; POSSIBLE EXECUTIVE SESSION PURSUANT TO SECTION 92-5(A)(4) & (8), HRS

INFORMATION

Background on the General Lease(s) of He'eia

There has been a series of short-term general leases issued for He'eia State Park over the past two decades in order to serve the public purpose of outreach and education, while also supporting the physical management and maintenance of public facilities at He'eia State Park. As the Board is aware, the most recent of these leases was issued to the Friends of He'eia State Park (Friends) and expired on August 31, 2008.

In 2002, the Board considered a request to grant a 20-year lease to the Friends for the two buildings they had been leasing. Two other organizations and a number of members of the public expressed concern, generating considerable discussion relating to this additional interest in the lease. As a result, the Board deferred action and directed staff to work with the Friends and other community organizations and individuals who expressed interest and concern for He'eia, and to report back to the Board with recommendations.

Subsequent discussion with the interested organizations did not reach the desired consensus. During this period, the department decided to address planning for He'eia in a regional context, and develop a plan that evaluated He'eia in context with the surrounding land and community. As a result, in April of 2004, the Board approved a three-year extension of the lease to the Friends.

Following this decision, a planning process for the entire He'eia Ahupuaa was initiated and managed by the University of Hawaii Sea Grant Program. However, the planning process did not result in the completion of plan, which was exacerbated by the elimination of the State Park Planner position assigned to this project.

Over this time, not only was further discussion on a new lease with the Friends initiated, but the Division also received a letter of interest from one community organization and a proposal for a

long-term lease from another. At this point it was determined by staff that a RFQ/RFP should be initiated to expedite a formal process.

During the interim, until an RFP was executed, the Division of State Parks (Division) requested approval to issue a Revocable Permit (RP) to the Friends for a period not to exceed one year, during which time the Division would initiate the RFQ/RFP process for a new General Lease.

The Board granted issuance of an RP on August 22, 2008 and requested information from the Division on whether an educational lease or a conservatorship contract is an option under applicable law regulating State Parks to allow for the operation of a concession. The Board also requested an update on the status of the RFQ/RFP and the timetable for publication.

On October 10, 2008, the Division briefed the Board and confirmed that an educational lease pursuant to Chapter 171-43.1 HRS allows for the operations of a concession; as He'eia State Park is intended to have concessions. The Division further indicated that while State Parks does not have a "conservatorship contract", the equivalent Curator Agreement or Kokua Partnership Agreement would not be a suitable method for the operation of a concession. The Board was further informed of the status of both the RFP and RP -- with an anticipated timetable for the advertisement, registration and deadline for submitting a response to an RFP.

Request for Proposals

Staff drafted an RFP in consultation with the Office of the Attorney General (AG). On November 19, 2008, the RFP was advertised with a December 19 deadline for the receipt of Intent to Offer. January 9, 2009 was the deadline for receipt of responses to the RFP. A few qualified responses to the RFP were submitted to the Department.

Evaluation Committee

An Evaluation Committee (EC) was assembled pursuant to Chapter 103D, HRS.

RFP Evaluation Criteria

The EC reviewed and scored the RFP based on the following Evaluation Criteria:

Conceptual Plan (30 Points)

- Degree to which the management and operational plan and business program meets the RFP's objectives.
- Degree to which educational, recreational, and cultural facilities and programs benefit the general public.
- Degree to which the management and operational plan meets the scope of services.

Timeline (5 Points)

- Reasonableness and viability of the proposals timeline.

Business Plan (25 Points)

- Organization of the business plan and the demonstrated understanding of requirements necessary to implement and achieve the scope of services in the RFP.
- Market and financial feasibility of the management and operational proposal.
- Feasibility of the proposed management and operational schedule.
- Financing strategy and ability to finance the management and operational proposal.
- Reasonableness and economic viability of the proposal.

Experience and Knowledge (40 Points)

- Overall qualifications of organization to run activities at an interpretive/education center and park grounds and facilities.
- Demonstrated experience with curriculum development and the ability to develop curriculum in accordance to the DOE standards.
- Demonstrated experience in environmental and interpretive education and outreach activities with youth.
- Demonstrated experience and ability to implement proposal.
- Demonstrated experience to provide component parts of the proposal.
- Demonstrated experience in coordinating and cooperating with multiple groups including government agencies, community groups, businesses, organizations and other interested parties.

The EC reviewed and evaluated the proposals and ranked them using the Evaluation Criteria scoring and identified the highest ranked applicant. The award is now ready to be made to the highest ranked applicant and to be posted.

Procurement Code

Pursuant to section 103D-303(d), HRS, and sections 3-122-9.01 & 3-122-58, HAR, the Department is legally prohibited from publicly identifying the RFP applicants or the members of the evaluation committee, or revealing the scoring, until the award is posted. Therefore, the Department cannot publicly disclose the names or number of the applicants, the scores, or ranking of the proposals in this submittal or in an open session at the board meeting until the Board authorizes the Chairperson to post the award and the award is posted. However, the Board may discuss the RFP applicants and the results in Executive Session.

Therefore, the Department is requesting that the Board authorize the Chairperson to award the lease to the highest ranked applicant and to post the award pursuant to section 3-122-57, HAR, and section 103D-303, HRS.

RECOMMENDATION:

That the Board:

1. Authorize the Chairperson to award the lease under RFP 001 08 DSP to the highest ranked applicant and to post the award of the lease.

2. Authorize the Chairperson to issue the lease, which shall incorporate the proposal of the awardee, subject to approval by the Department of the Attorney General.

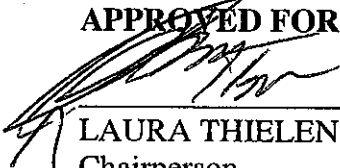
Respectfully submitted,

DANIEL QUINN



Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



LAURA THIELEN
Chairperson
Board of Land & Natural Resources

Attachment: RFP

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS**

**REQUEST FOR PROPOSALS (RFP)
FOR A LEASE TO MANAGE AND OPERATE AN
INTERPRETIVE/EDUCATION CENTER, GROUNDS AND
FACILITIES AT HEEIA STATE PARK,
ON OAHU**

SOLICITATION NO. RFP-001-08-DSP

NOTICE TO INTERESTED PARTIES

REQUEST FOR PROPOSALS (RFP) FOR A LEASE TO MANAGE AND OPERATE AN INTERPRETIVE/EDUCATION CENTER, GROUNDS AND FACILITIES AT HEEIA STATE PARK, OAHU

SOLICITATION NO. RFP-001-08-DSP

The Department of Land and Natural Resources (DLNR) is issuing this Request for Proposals (RFP) to solicit proposals from qualified eleemosynary parties interested in a lease to manage and operate an interpretive/education center, grounds and facilities at Heeia State Park on Oahu.

DLNR envisions, at a minimum, the management and operation of an interpretive/education center within Heeia State Park that provides on-site programs in accordance with the Hawaii State Department of Education standards. The interpretive/education center will provide educational opportunities for a wide range of visitors to Heeia State Park that includes but is not limited to school age children, community groups, and independent visitors.

The park grounds and its facilities will involve the maintenance, repairs, upkeep and future construction and renovation of the park's grounds and facilities. The caretaker's cottage is not included as part of the facilities.

DLNR (lessor) will permit the lessee (awarded party) of the interpretive/education center to conduct certain commercial activities such as the operation of a visitor center/exhibit hall and its rental for banquets, parties, meetings, etc. to supplement the cost of operating free and/or reduced cost educational programs and the cost to manage the park grounds and facilities. The interpretive/education center, educational programs and park management will be the primary focus of the lessee and the commercial recreational activities are to be supplemental and complementary to the interpretive/education center activities and park maintenance, not the focus of the lessee and/or operations.

Interested entities must complete the "Intent to Offer" form, which must be received by DLNR by December 19, 2008, in order to submit a Proposal. **Proposals must be received** by Stephen Thompson, State Parks Program Manager, Division of State Parks, Department of Land and Natural Resources, at P.O. Box 621, Honolulu, HI 96809 or at 1151 Punchbowl Street, Kalanimoku Building, Room 310, Honolulu, Hawaii, 96813, **no later than 4:30 p.m. (HST), January 9, 2009**. Proposals submitted by facsimile or e-mail will be rejected.

DLNR reserves the right to cancel the RFP and reject any and all submittals when it is in the best interest of DLNR. Copies of RFP-001-08-DSP, including the Intent to Offer form, may be picked up at the Department of Land and Natural Resources, c/o Division of State Parks, 1151 Punchbowl Street, Kalanimoku Building, Room 310, Honolulu, Hawaii, during regular business days and hours; or may be printed from the DLNR website at <http://www.hawaii.stateparks.org/announcements/index.cfm>; or may be sent by mail upon request. Entities that want to receive the RFP by mail or require special accommodation (e.g., large print materials) may contact Stephen Thompson at (808) 587-0303 or at stephen.l.thompson@hawaii.gov.

Advertisement of RFP: November 19, 2008

Deadline for receipt of Intent to Offer: December 19, 2008

Deadline for receipt of responses (Proposals) to RFP: January 9, 2009

LAURA H. THIELEN, Chairperson, Board of Land and Natural Resources
Department of Land and Natural Resources

Published: November 19, 2008

INTENT TO OFFER
for
Solicitation No. RFP-001-08-SP

Please provide all information requested and return to Department of Land and Natural Resources ("DLNR") by hand-delivery, mail, fax, or e-mail using the instructions provided at the bottom of this form. This Intent to Offer must be received by DLNR by December 19, 2008, or the Offeror's Proposal will be rejected.

Name of Company _____

Name of Contact Person _____

Business Address: _____

Phone number _____

Fax number _____

Mailing Address _____

E-mail Address _____

Return Intent to Offer Form as follows:

Address to DLNR, ATTN: Stephen Thompson
(Phone No.: (808) 587-0303)

Deliver or send by mail, facsimile, or e-mail at:

Delivery: Department of Land and Natural Resources, Division of State Parks,
1151 Punchbowl Street, Kalanimoku Building, Room 310,
Honolulu, Hawaii

*Fax No.: (808) 587-0311

*E-mail address: stephen.l.thompson@hawaii.gov

Mailing address: Department of Land and Natural Resources, Division of State Parks,
P.O. Box 621, Honolulu, HI 96809

*Please note that although this Intent to Offer may be submitted by facsimile or e-mail, Proposals must be hand-delivered or sent by mail. Proposals that are submitted by facsimile or e-mail will be rejected.

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CAUTION!!!

1. ALL INTERESTED PARTIES MUST COMPLETE THE "INTENT TO OFFER" FORM FOR THE SPECIFIC SOLICITATION UNDER CONSIDERATION. THE FORM MUST BE RECEIVED BY DLNR BY December 19, 2008. FAILURE TO SUBMIT THE "INTENT TO OFFER" FORM WILL RESULT IN AUTOMATIC REJECTION OF THE PROPOSAL.
2. ALL PROPOSALS MUST BE COMPLETE.
3. ALL PROPOSALS MUST BE RECEIVED BY January 9, 2009.
4. PROPOSERS ARE CAUTIONED THAT FEDERAL EXPRESS, UNITED PARCEL SERVICE AND UNITED STATES POSTAL SERVICE DELIVERIES ARE GUARANTEED UP TO 5:00 P.M. OF THE DESIGNATED DELIVERY DATE. PROPOSERS ARE CAUTIONED TO MAKE ARRANGEMENTS TO ENSURE DELIVERY BY 4:30 P.M., HST ON THE PROPOSAL DUE DATE.

Request for Proposals are available at the:

Department of Land and Natural Resources
Division of State Parks
1151 Punchbowl Street
Kalanimoku Building, Room 310
Honolulu, Hawaii 96813

Contact Person: Stephen Thompson
(808) 587-0303

I. INTRODUCTION

The Department of Land and Natural Resources (DLNR) is issuing this Request for Proposals (RFP) to solicit proposals and qualifications from eleemosynary entities interested in a lease for the management and operation of an interpretive/education center, grounds and facilities at Heeia State Park on Oahu, pursuant to Hawaii Revised Statutes, Chapter 103D and applicable administrative rules, and Hawaii Revised Statutes, Section 171-43.1.

DLNR envisions, at a minimum, the management and operation of an interpretive/education center within Heeia State Park that provides on-site programs in accordance with the Hawaii State Department of Education (DOE) standards. The interpretive/education center will provide educational opportunities for a wide range of visitors to Heeia State Park that includes but is not limited to school age children, community groups, and independent visitors.

Management and operation of the park will involve the cleaning, repairs, upkeep and future construction and renovations of the park grounds and facilities and other related duties. The 18.5 acre park covers approximately 8 acres of developed land. Improvements at this park includes a 10,000 sf visitor center, 1,274 sf exhibit hall, 1,392 pavilion, 598 sf old comfort station, 613 sf comfort station and 8,218 sf main parking area (39 stalls and 2 bus parking).

In addition to the management and operation of an interpretive/education center, grounds and facilities, DLNR will permit the lessee to conduct certain commercial activities such as the operation of a visitor center/exhibit hall and the rental of the center for banquets, parties, meetings, etc. to supplement the cost of operating free and/or reduced cost educational programs at the interpretive/education center and the cost of managing and operating the park grounds and facilities.

The interpretive/education center, educational programs and park management and operation will be the primary focus of the lessee and the commercial recreational activities are to be supplemental and complementary to the interpretive/education center activities and park maintenance, not the focus of the lessee and/or operations.

Background

In 1993, a Final Environmental Impact Statement for the Heeia State Park Master Development Plan was completed. During this process, a goal statement of the Heeia State Park Master Plan was adopted and is as follows: "Heeia State Park should recognize and perpetuate the natural and cultural heritage of the site known as, Lae O Ke Alohi and its surroundings, and serve the entire community as a social, educational, and cultural gathering place." In keeping with this goal statement, a conceptual plan was selected focusing on its design to accommodate existing park use levels, but emphasizing and improving facilities for interpretive programs. Proposed facility improvements call for an upgrade to existing structures, landscaping, parking, signage and the construction of an improved walkway system. Additional on-going maintenance of the proposed improvements would be required once all structural and landscape improvements are completed.

Subject Property

The subject property is located approximately one mile north of Kaneohe on the windward side of Oahu on Heeia Peninsula (also known as Lae O Ke Alohi). Comprised of approximately 18.5 acres, the Park is bordered on three sides by Kaneohe Bay to the west, north and east, and Heeia Stream to the south. Kamehameha Highway defines the western boundary of the Park.

Facilities

An education center, visitor center/exhibit hall, caretaker's residence, restrooms, parking, picnic areas and roadside pavilion, and landscaping are all within Heeia State Park. The education center and visitor center/exhibit hall are currently under a permit to the Friends of Heeia. The caretaker's residence, which is not included in the Request for Proposal, is currently uninhabitable and will be demolished. The area around the caretaker's house is under a two year agreement with a community group. The lessee will be expected to coordinate with the community group. All other areas are under State Park care.

DLNR believes that an investment in the management and operation of an interpretive/education center, grounds and facilities at Heeia State Park by a suitable management entity will result in a park resource that will greatly benefit Hawaii's residents and visitors. The State currently lacks sufficient funding and staffing to accomplish these goals. Therefore, Department of Land and Natural Resources believes that such a project should be managed and operated by a private entity with the required interpretive/education experience, development experience, financial capacity and operational management expertise to manage and operate the interpretive/education center and park grounds and facilities.

Community Involvement

The success of the interpretive/education center depends on the support of the public and community involvement. The community will only support the interpretive/education center lessee if it has a good understanding and appreciation of the value of the resource and an understanding of the challenges, goals, and philosophies of the community. Community values must be integrated with educational curriculum aimed at increasing knowledge in cultural history, biodiversity, and resource management.

Interpretive/ Education

The interpretive/education center will be open to the public, with programs for all ages that promotes cultural resource education. Classes and programs would be developed in conjunction with the DOE curriculum, which would ultimately result in a better understanding and appreciation of Heeia State Park and its surrounding area.

Grounds and Facilities

The remaining area of Heeia State Park, excluding the caretaker's cottage, will be maintained by the lessee. The lessee will be responsible for the management and operation of the park including, but not limited to, daily upkeep and cleaning of the facilities, park grounds and parking lot; resupplying of the comfort stations; dumping of trash, and other related duties that focuses on public health and safety measures. The lessee will also be responsible for the long-term maintenance and construction/renovations to the park's facilities and grounds

Other Activities

The lessee will need to engage in activities to support the interpretive/education center, grounds and facilities. Commercial activities within Heeia State Park may include rental of the visitor center for banquets, parties, meetings and other related activities.

The interpretive/education center programs and activities should not interfere, hinder, or prevent the general public use of the parks' grounds and/or facilities.

Authorization

At its regular meetings held on May 25, 2007, the Board of Land and Natural Resources approved Agenda Item E-1, which authorized DLNR to issue this RFP, pursuant to Sections 171-59(a) and 184-3(6) of the Hawaii Revised Statutes, as amended. Since it was projected that it would take approximately one year for the lease to be processed, the Board also granted a one year lease extension to the Friends of Heeia State Park.

II. PROJECT BACKGROUND

Project Goals and Objectives

The DLNR's goals for this project are to:

1. Find a lessee to manage and operate an interpretive/education center, grounds and facilities at Heeia State Park.
2. Optimize the use of Heeia State Park as an important recreational and interpretive resource for all residents of Hawaii by providing programs and interpretive information that improve the overall awareness of the natural environment.
3. Plan and operate an interpretive/education facility and a cultural education program with exhibits and curriculum within Heeia State Park that provides opportunities for on-site programs in accordance with Department of Education standards.
4. Provide educational opportunities for a wide range of visitors to Heeia State Park that includes but is not limited to school age children, community groups, and independent visitors.
5. Incorporate into the interpretive/education programs the unique history, culture, and ecosystem of Heeia State Park through close consultation with community groups, members of the community and other landowners.
6. Preserve and enhance the existing natural qualities and opportunities unique to Lae O Ke Alohi and the Kaneohe Bay environs.
7. Management and operation of Heeia State Park's grounds and facilities and other related duties.
8. Provide for site improvements and facilities, as necessary, to enhance the interpretive value of the Park.
9. Expand and emphasize on-shore and off-shore passive recreational opportunities, educational programs, and activities that relate to the Park's natural and cultural resources.
10. Management and operation of the visitor center and exhibit hall. Rent these facilities for banquets, parties and meetings to offset the cost of the entire park operations.
11. All interpretive programs and facilities shall be oriented to the Park theme: "Man, the land, the sea, and their relationship as exemplified by the evolution of land use in the Kaneohe Bay region from early Hawaii to the present day."
12. Find a qualified entity that will plan, manage and operate all aspects of the lease in conjunction with Department of Land and Natural Resources, obtain all permits and approvals, in a timely manner, necessary to implement any proposed changes within Heeia State Park.

These are general goals and objectives and the Department of Land and Natural Resources encourages proposers to create their own interpretive/education center, grounds and facilities management and operation concept. By allowing greater creativity and flexibility, it is hoped that proposers will be better

able to design a feasible proposal, which will be consistent with, and will satisfy, Department of Land and Natural Resources' goals and objectives.

Scope of Services

The selected environmental education center lessee is expected to provide the following services:

1. Manage and operate an interpretive/education center.
2. Curriculum Development: Develop a culturally enhanced curriculum for an interpretive/education center that provides on-site programs for school children to visit on field trips. Curriculum for school visits will be in accordance with the DOE standards. Interpretive programs for drop in visitors will be based on curriculum and adjusted for appropriate ages.
3. Program Development: Interpret the unique history of Heeia State Park and its surrounding areas through close consultation and partnership with the community. Create a program structure, identifying expected program outcomes and impacts. Provide interpretive educational opportunities for a wide range of visitors to Heeia State Park that includes but is not limited to the public, organized groups, and independent visitors. It is expected that education centers will be open for organized education programs as well as for drop in visitors throughout the day and possibly open for periodic evening sessions; work with Department of Land and Natural Resources in the development of an operation schedule.
4. Program Consultations: Work closely with Department of Land and Natural Resources staff and DOE. This includes regularly reporting to Department of Land and Natural Resources on the program's progress.
5. Manage and operate the park's grounds and facilities. Develop a management plan outlining the daily park operations and future plans for the park's grounds and facilities.
6. Manage, operate and rent the visitor center and exhibit hall as a source of income to pay for the park operations.

Although this RFP provides the opportunity or obligation for proposers to assume the overall management of Heeia State Park, the Department of Land and Natural Resources is the final arbiter of all activities within Heeia State Park. The management and operation of the park will be in a manner consistent with Chapter 13-146, Hawaii Administrative Rules of the Department of Land and Natural Resources, Rules of the Hawaii State Park System.

Duration of Lease

The term of the lease shall be for a period of no more than twenty-five (25) years.

Qualifications

In order to qualify as responsible proposers, individuals must meet the following standards:

- Meet the requirements of an eleemosynary organization under Section 171-43.1, Hawaii Revised Statutes.
- Demonstrate financial resources for performance, or the ability to obtain such resources, including financial capacity to implement the programs and maintain the facilities related to the interpretive/educational programs and the park's grounds and facilities;

- Demonstrate experience, organization, technical qualifications, skills, and facilities to perform the service called for in this document under scope of work;
- Otherwise qualified and eligible to receive award under applicable laws and regulations;
- Meet the requirements of an eleemosynary organization under Section 171-43.1, Hawaii Revised Statutes;

Qualifications should include but are not limited to:

- Ability to work with established groups that are associated with Heeiea State Park;
- Establish organization with the ability to assign multiple staff to assist with the provisions of the lease;
- Demonstrate experience working with multi-agency partnerships. Ability to coordinate effectively with state, federal, and private agencies/organizations;
- Demonstrate experience in the operation of an interpretive/education facility including curriculum development (in accordance with DOE standards), educational and interpretive programs, outreach, volunteer programs, management, budgeting, etc;
- Demonstrate experience working with youth groups and the general public; and
- Demonstrate experience with ground and facility maintenance, including but not limited to landscape care, repair work, restroom functions, etc.

III. REQUEST FOR PROPOSALS (RFP)

Submittal Requirements for RFP

The company must submit the "Intent to Offer" form to the Department of Land and Natural Resources for this specific proposal before submitting a proposal to the Department of Land and Natural Resources for solicitation of RFP-001-08-DSP. If the "Intent to Offer" form on page ii is not submitted by the receipt deadline, the proposal will be automatically rejected and not considered for award.

The qualified proposers responding to this RFP shall submit eight (8) copies of its proposal, which shall include, at a minimum, the information and materials listed below. The proposal shall be organized in a manner that is consistent with the headings and sequence presented below.

1. Offers Form OF-1: Proposal is requested to submit its Proposer's exact legal name as registered with the Department of Commerce and Consumer Affairs (DCCA), if applicable, and to indicate exact legal name in the appropriate space on the Offer Form OF-1, Attachment 2. Failure to do so may delay execution of the lease.
2. Statement of Qualifications: Provide a statement of qualifications that includes but is not limited to include the following:
 - a. Statement demonstrating the organizations ability to accomplish the project's goals and objectives;

- b. Supported by a resume with background information identifying how the qualifications meet the requirements set forth in this RFP;
 - c. A general statement identifying the specialized experience and technical competence for the services and tasks identified under "Scope of Services;"
 - d. A list of key personnel who will be dedicated to this project and information on their background; and
 - e. Qualification under Section 171-43.1, Hawaii Revised Statutes, to enter into this lease.
- 3. Executive Summary: Provide an executive summary of the critical aspects of the proposal.
- 4. Conceptual Plan: In compliance with the Master Plan's conceptual plan, the following shall be provided:
 - a. Site Plan - Provide a conceptual site plan of the park showing the location, configuration, and approximate sizing of any proposed components, and the relationship of the different components with each other, along with new improvements/renovations and proposed activities.
 - b. Narrative Description - Provide a narrative description of the proposal, activities, improvements, management and operational plan, etc., as well as statements indicating how the plan satisfies the Department of Land and Natural Resources' objectives.
 - c. Other - Provide any other information, plans, illustrations that would assist the Department of Land and Natural Resources in visualizing the proposal.
- 5. Timeline: Provide a proposed schedule outlining the daily/weekly use of the interpretive/education center and an operational schedule of the park's grounds and facilities.
- 6. Business Plan: The required business plan shall specify all of the major elements necessary to implement the proposal and should be developed to a level of detail appropriate for preliminary funding commitments for the entire proposal. The business plan should include, at a minimum, the following:
 - a. Construction/Renovation and Other Cost Estimates - Provide construction/renovation cost estimates for the entire proposal with a breakdown of each conceptual component. Construction/renovation cost estimates should include all hard and soft costs, and account for cost escalations. The construction/renovation cost estimate categories may include site preparation, building construction, consultant fees, design fees, environmental assessment or environmental impact statement, entitlement and permitting fees, landscaping, financing costs, marketing costs, operating costs, profits, etc. Include a proposal for rent under the lease that will be issued pursuant to this RFP.
 - b. Financing Strategy and Preliminary Commitments - Describe the proposed financing plan for the entire proposal.
 - c. Marketing Plan: Provide a marketing plan that shows the proposal's implementation plan for the proposed lease to achieve its financial results. Provide evidence of business relationships that make implementing the marketing plan feasible. Propose a term of no more than 20 to 25 years for the lease that will be issued pursuant to this RFP and explain why this term is necessary or desirable.

- d. Method of Operation and Implementation: Describe the proposed method of operation and uses for the proposal. Explanation of the proposal's organization, development, management, implementation, and monitoring for programs to run.
- e. Community Involvement: This includes relationships with schools, federal, state, and local governments, council members, profit and non-profit organizations, and the general public to meet the goals of the proposal.

The proposer agrees that the proposal shall constitute a firm proposal to the Department of Land and Natural Resources and cannot be withdrawn for any reason after the due date for submission of the proposals. The proposer shall agree that objectives listed are firm and shall remain so throughout the performance of the work.

Written Inquires

All inquires for this RFP must be made in writing through postal mail to Stephen Thompson, Program Manager, Division of State Parks, P.O. Box 621, Honolulu, HI 96809, by facsimile (808)587-0311 or by e-mail to stephen.l.thompson@hawaii.gov. Inquires are due on or before 4:30 P.M. HST, December 3, 2008.

Responses to inquires will be made by Addenda at least five (5) business days prior to the RFP deadline.

RFP Timeline

Advertisement of RFP: November 19, 2008.

Inquiries: December 3, 2008.

Intent to Offer Deadline: December 19, 2008

Deadline for Submitting Responses to RFP: January 9, 2009.

Deadline to Submit Proposal

Proposers to this RFP are required to submit eight (8) copies of the Proposal. The Proposal must be received by Stephen Thompson, Program Manager, Division of State Parks, by **4:30 p.m. (HST) on January 9, 2009**, at P.O. Box 621, Honolulu, Hawaii 96809, if mailed, or at 1151 Punchbowl Street, Kalanimoku Building, Room 310, Honolulu, Hawaii, if hand delivered. Any proposal received after the deadline will be rejected. "Solicitation No. RFP-001-08-DSP" shall be referenced on the outside of the sealed proposal. Faxed or emailed proposals shall not be accepted.

Cost of Proposal Preparation

Any and all costs for developing the proposals are the sole responsibility of the proposer, whether or not any award results from this solicitation. The State of Hawaii will provide no reimbursement for any such costs.

Disposition of Proposal

The successful Proposal will be incorporated into the resulting lease.

IV. EVALUATION CRITERIA

An evaluation committee, appointed by the Chairperson of DLNR, or the Chairperson herself as Procurement Officer, shall evaluate the proposals submitted to this RFP.

If the evaluation committee, in its sole discretion, determines that the proposer does not possess the necessary experience, DLNR may deem the proposer unqualified to participate in the RFP process or may take such factors into consideration in evaluating the proposer's proposal.

The evaluation committee shall evaluate proposals on a scale of 100 points, in accordance with the RFP and based on the following general criteria:

1. Minimum Criteria for Proposal Responsiveness:

- a. Submitting incomplete proposal document or failure to sign the proposal documents **AND/OR** failure to respond or comply with the qualifications provided in RFP or requirements provided by statutes or other law may be justification for rejection of a proposal.

2. Proposal Evaluation Criteria

Conceptual Plan (30 Points)

- Degree to which the management and operational plan and business program meets the RFP's objectives.
- Degree to which educational, recreational, and cultural facilities and programs benefit the general public.
- Degree to which the management and operational plan meets the scope of services.

Timeline (5 Points)

- Reasonableness and viability of the proposals timeline.

Business Plan (30 Points)

- Organization of the business plan and demonstrated understanding of requirements necessary to implement and achieve the scope of services in the RFP.
- Market and financial feasibility of the management and operational proposal.
- Feasibility of the proposed management and operational schedule.
- Financing strategy and ability to finance the management and operational proposal.
- Reasonableness and economic viability of the proposal.
- Amount of capital expenditures and timetable for construction.

Experience and Knowledge (35 Points)

- Overall qualifications of organization to run activities at an interpretive/education center and park grounds and facilities.
- Demonstrated experience with curriculum development and the ability to develop curriculum in accordance to the DOE standards.
- Demonstrated experience in environmental and interpretive education and outreach activities with youth.
- Demonstrated experience and ability to implement proposal.
- Demonstrated experience to provide component parts of the proposal.
- Demonstrated experience in coordinating and cooperating with multiple groups including government agencies, community groups, businesses, organizations and other interested parties.

Once the evaluation committee or Procurement Officer has evaluated the proposals and recommended a proposal, this recommendation will go before Land Board for final approval to enter into negotiations.

V. SPECIAL PROVISIONS

Definitions

"HAR" means Hawaii Administrative Rules.

"HRS" means Hawaii Revised Statutes.

"State" means State of Hawaii, which includes the Department of Land and Natural Resources.

Confidentiality of Material

All information, data, or other materials provided by the Proposer to the State shall be subject to the Uniform Information Practices Act, Chapter 92F, HRS. The Proposer shall designate in writing in the proposal those portions of its unpriced proposal or any subsequent submittal that are trade secrets or other proprietary data that the Proposer desires to remain confidential, subject to Section 3-122-58, HAR, in the case of an RFP. The Proposer shall submit the material designated as confidential in such a manner that the material is readily separable from the proposal in order to facilitate inspection of the non-confidential portion of the proposal.

Upon the posting of the award, if a request is made to inspect the confidential or proprietary material, the inspection shall be subject to written determination of the Office of the Attorney General in accordance with Chapter 92F, HRS. If it is determined that the material designated as confidential is subject to disclosure, the material shall be open to public inspection, unless the Proposer appeals pursuant to Section 92F-42(1), HRS. If the request to inspect the confidential or proprietary material is denied, the decision may be appealed to the Office of Information Practices in accordance with Section 92F-15.5, HRS.

Pre-opening Modifications or Withdrawal of Proposal

Modifications or withdrawals of proposals may be made prior to the deadline for the receipt of sealed proposals and will be subject to HAR Section 3-122-16.07.

Late Proposals, Late Withdrawal, and Late Modification

Any notice of withdrawal, notice of modification, proposal with actual modification, or any proposal is late when received at the place designated for receipt after the established due date and hour as provided in HAR Section 3-122-16.08.

Cancellation of RFP and Rejection of Responses

DLNR reserves the right to cancel this RFP, re-advertise for new proposals, reject any and all responses in whole or in part, or request amendments or modifications to the responses with no liability whatsoever, when it is in DLNR's or public's best interest to do so.

Debriefing and Protests

A written request for debriefing, as subject to HAR, Section 3-122-60, shall be made within three working days after the posting of the award of the lease. A protest by the requester submitted pursuant to HRS 103D-701, following the debriefing shall be filed within five working days as specified in HRS, Section 103D-303.

Compliance Requirements

All proposals must comply with HAR, Section 3-122-112 "Responsibility of Offerors". Thus, Proposer is advised that if awarded a lease under this solicitation, Proposer shall, upon award of the lease, furnish proof of compliance with the requirements of Section 3-122-112, HAR, and Sections 103D-328 and 103D-310(c), HRS:

1. HRS 237 - Tax Clearance Requirements:

Pursuant to §103D-328, HRS, the chosen Proposer shall be required to obtain a current tax clearance certificate issued by the State of Hawaii Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) prior to entering into a lease with the State and again to receive final payment.

The certificate shall have an original green certified copy stamp, and shall be valid for six (6) months from the most recent approval stamp date on the certificate. It must be valid on the date it is received by DLNR. (Note: Tax clearances are valid for six (6) months for purposes of lease execution. If the tax clearance certificate submitted with the application is no longer valid at the time of lease execution, organization will need to acquire and submit a new certificate).

The tax clearance certificate may be obtained on the State of Hawaii, DOTAX TAX CLEARANCE Application form A-6 (Rev. 2005) which is available at the DOTAX and IRS offices in the State of Hawaii of the DOTAX website, and by mail or fax:

DOTAX Website: http://www.state.hi.us/tax/a1_1alphalist.htm

DOTAX Forms by Fax: (808) 587-4242

DOTAX Forms by Mail: P.O. Box 259 Honolulu, HI 96809

Completed tax clearance applications may be mailed, faxed, or submitted in person to the DOTAX, Taxpayer Services Branch, to the address listed on the application. Facsimile numbers are:

DOTAX: (808) 587-1488

IRS: (808) 539-1573

It is recommended that the "Tax Clearance Application," Form A-6, be mailed to a DOTAX district office as soon as possible; as the process may take 21 calendar days before a tax clearance is received.

The application for the clearance is the responsibility of the proposers, and must be submitted directly to the DOTAX or IRS and not to DLNR. However the tax clearance certificate shall be submitted to DLNR directly.

2. HRS Chapters 383 (Unemployment Insurance), 386 (Worker's Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements:

Pursuant to §103D-310(c), HRS, the chosen proposer shall be required to submit an approved certificate of compliance issued by the Hawaii State Department of Labor and Industrial Relations (DLIR). The certificate is valid for six (6) months from the date of issue and must be valid on the date it is received by DLNR. A photocopy of the certificate is acceptable to DLNR.

The certificate of compliance shall be obtained on the State of Hawaii, DLIR APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR, Form LR #27, which is available at: <http://hawaii.gov/labor/forms/DCD-LIR27.pdf> or at the neighbor island DLIR District Office.

The application for the certificate is the responsibility of the proposer and must be submitted directly to DLIR and not to DLNR. The DLIR will return the form to the proposer who in turn shall submit the certificate to DLNR.

3. Further Compliance with Section 3-122-112, HAR:

Pursuant to Section 3-122-112, HAR, the Proposer shall be required to submit a CERTIFICATE OF GOOD STANDING (Certificate) issued by the State of Hawaii, Department of Commerce and Consumer Affairs Business Registration Division (DCCA – BREG). The Certificate is valid for six (6) months from date of issue and must be valid on the date it is received by DLNR. A photocopy of the certificate is acceptable to DLNR.

To obtain the Certificate, the proposer must first be registered with DCCA – BREG. A sole proprietorship, however, is not required to register with the BREG, and therefore not required to submit the certificate.

Online business registration and the Certificate are available at:
<http://www.hawaii.gov/dcca/areas/breg>

To register or obtain the Certificate by phone, call (808) 586-2727 (M-F 7:45 – 4:30 HST). Proposers are advised that there are costs associated with registering and obtaining the Certificate.

4. In substitution for the certificates required by paragraphs 1, 2 and 3, a “Certificate of Vendor Compliance” may be obtained through Hawaii Compliance Express at the State Procurement Office and submitted to the procuring agency.

Timely Submission of all Certificates

The above certificates should be applied for and submitted to the respective agencies as soon as possible. If a valid required certificate is not submitted to DLNR in a timely manner upon award of the lease, an offer otherwise responsive and responsible may not receive the lease.

Terms and Conditions of Lease

The terms and conditions in the lease document, identified as Attachment 1 of this RFP, will be the terms and conditions of the awarded lease. RFP-001-08-DSP and the selected Proposal will be incorporated into the lease.

Insurance Requirement

Upon Lessee’s execution of the lease, the Lessee agrees to deposit with the State of Hawaii certificate(s) of insurance necessary to satisfy the State that the following insurance provisions of this lease have been complied with and to keep such insurance in effect and the certificate(s) therefore on deposit with the State during the entire term of this lease, including those of its sublessee(s), where appropriate. Upon request by the State, Lessee shall be responsible for furnishing a copy of the policy or policies. Insurance coverage and its amounts shall be in compliance with requirements of the Department of Accounting and General Services, Risk Management office and the Hawaii Insurance Code throughout the entire term of the lease, including supplemental agreements.

The Lessee shall maintain in full force and effect during the life of this lease liability and property damage insurance to protect the Lessee and their sublessee(s), if any, from claims for damages for personal injury, accidental death and property damage which may arise from operations under this lease, whether such operations be by themselves or by a sublessee or anyone directly or indirectly employed by either of them. If any sublessee is involved in the performance of the lease, the insurance policy or policies shall name the sublessee as additional insured.

As an alternative to the Lessee providing insurance to cover operations preformed by a sublessee and naming the sublessee as additional insured, Lessee may require sublessee to provide its own insurance which meets the requirements herein. It is understood that a sublessee’s insurance policy or policies are in addition to the Lessee’s own policy or policies.

Failure of the Lessee to provide and keep in force such insurance shall be regarded as material default under the ensuing lease, entitling the State to exercise any or all of the remedies provided in this lease for a default of the Lessee.

The procuring of such required insurance shall not be construed to limit Lessee's liability hereunder nor to fulfill the indemnification provisions and requirements of this lease. Notwithstanding said policy or policies of insurance, Lessee shall be obliged for the full and total amount of any damage, injury, or loss caused by negligence or neglect connected to the ensuing lease.

Overview of the RFP Process

1. The RFP is issued pursuant to Subchapter 6 of Chapter 3-122, HAR, implementing Section 103D-303, HRS. The procurement process begins with the issuance of the RFP and the formal response to any written questions or inquires regarding the RFP. Changes to the RFP will be made by Addendum.
2. The company must complete the "Intent to Offer" form for this specific proposal and submit it to DLNR before submitting a proposal to DLNR for solicitation RFP-001-08-DSP. If you do not submit the "Intent to Offer" form, your proposal will be automatically rejected and not considered for award.
3. Proposals shall not be opened publicly, but shall be opened in the presence of two (2) or more procurement officials. The register of proposers and proposals shall be open to public inspection after posting of the award, subject to Section 3-122-58, HAR.
4. All proposals and other material submitted by qualified potential lessees, except for any part designated in writing as containing trade secrets or other proprietary data, shall become the property of the State and may be returned only at the State's discretion. For proposals not selected for award of the lease, materials containing trade secrets or other proprietary data will be returned to its owner after award of the lease and any challenge to the award has been concluded. For the proposal selected for the award of the lease, materials containing trade secrets or other proprietary data will be returned to its owner upon the owner's request after the expiration or earlier termination of the lease.
5. The Procurement Officer, or an evaluation committee selected by the Procurement Officer, shall evaluate the proposals in accordance with the evaluation criteria. The Procurement Officer or an evaluation committee will conduct a comprehensive, fair, and impartial evaluation of proposals received in response to the RFP. Discussions may occur in accordance with HAR Section 3-122-53. Best and final offers may be requested pursuant to HAR Section 3-122-54.
6. The Procurement Officer or an evaluation committee will make its recommendations as to the award of the lease. The recommendations will go to the Land Board for decision making as to the award.
7. The contents of any proposal shall not be disclosed until the posting of the award. Once the award notice is posted all proposals, successful and unsuccessful, become available for public inspection as stated in HAR Section 3-122-58. Those sections that the Proposer and the State agree are confidential, as identified by the Proposer, shall be excluded from public access.
8. The RFP, any addenda issued, and the successful proposal shall become a part of the lease.

9. If there is only one responsible offeror submitting an acceptable proposal, or there are no proposals received, or there are no responsible offeror submitting acceptable proposals, HAR Section 3-122-59 provides options to the State.

DATED: State of Hawaii, 11/14/08, 2008



LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources

Approved by the Board
of Land and Natural
Resources at its meeting
held on May 25, 2007 (Agenda Item E-1)